

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install ground mounted solar panels to north of sand school on agricultural land.

LOCATION: Le Manoir De Sous L'Eglise, Sous L'Eglise, St. Saviour.

APPLICANT: Mr & Mrs Tremlett

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 17/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Location Plan - 1, Site Plan - 2, Layout Plan - 3, Panel Details - 4 and 5

Application Ref: FULL/2023/0186

Property Ref: E005000000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Within three months of the cessation of electricity generation by the solar PV facility, the solar PV panels, frames and all associated structures shall be dismantled and removed entirely from the land, and the site restored to its former condition and use as equestrian sand school.

Reason - To prevent long term harm to the landscape character and visual amenity.

Expiry Date: This permission will cease to have effect on 16/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2023/0186
Property Ref: E005000000
Valid date: 06/02/2023
Location: Le Manoir De Sous L'Eglise Sous L'Eglise St. Saviour Guernsey
GY7 9TQ
Proposal: Install ground mounted solar panels to north of sand school
on agricultural land.

Applicant: Mr & Mrs Tremlett

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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Reason - To prevent long term harm to the landscape character and visual amenity.

OFFICER'S REPORT

Brief Description of the site:

The application site is situated to the west of Le Neuf Chemin Road, to the north of Rue De L'Eglise and to the east of Rue Patey. The residential dwelling is located to the south of the site, with its domestic garden extending to the east, and open agricultural fields to the north. An existing equestrian sand school is located to the north of the dwelling within the agricultural land under the applicant's ownership.

Part of the application site is situated within a Conservation Area and the whole of the site is situated within the Agricultural Priority Area (APA) as designated in the Island Development Plan.

Relevant History:

PAPP/2006/2406 – Level land and create all weather horse training area (Revised)

Existing Use(s):

Mixed use - agricultural & equestrian

Assessment: (Tick as appropriate)

no representation	☒
accords with policy	☒
within curtilage	☐
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

IP1 – Renewable Energy Production

OC9 – Leisure and Recreation

GP1- Landscape Character

GP8 – Design

Conclusion/Brief comment:

The proposal is for the installation of 24 solar PV modules along the northern edge of the existing sand school. The bank of panels measures 1.75m by 25.1m and is 1.16m

in height. The Agent has confirmed that the energy generated is intended to supply the main dwelling.

The existing sand school was granted permission in 2006 and approved the installation of an outdoor horse-riding facility. Under Policy OC9 of the IDP (Island Development Plan) proposals to alter existing outdoor leisure uses within the APA, where the land cannot contribute to commercial agricultural use, are supported. The change of use of existing leisure and recreation facilities is also supported where it is demonstrated that the facility can be replaced or is no longer required. In all cases the proposal must accord with all the relevant policies of the IDP.

In this instance the proposal accords with OC9 as the existing equestrian leisure use will not cease as a result of the proposal, and as the sandschool was cut into the landscape and is in equestrian use, this area of the site cannot readily contribute to commercial agriculture.

Policy IP1 supports installations for the harnessing of renewable energy subject to several criteria, many of which relate to agricultural land within an APA however, as the location of the solar panels is within the existing equestrian use of the site, and not within the existing agricultural greenfield land, this Policy is not considered directly applicable although is generally supportive. The pre-amble to Policy IP1 states that photo-voltaic energy production may also be achieved through the development of solar farms. Although not of a scale sufficient to be considered a solar farm, the positioning of solar panels in this location is generally supported by the IDP as it will not compromise the existing equestrian use of the sandschool and assists in the production of renewable energy.

The sand school was cut into the landscape in part with approx. 3m embankments surrounding the sand school at the south-eastern corner and decreasing to approx. 1m banks in places. Mature hedging is located along all boundaries and along the boundary with Rue Patey and was conditioned in application PAPP/2006/2406 to ensure that the sandschool had an acceptable visual impact on the character of the area. These amelioration methods will also ensure that the proposed solar panels will not be prominent in the landscape setting, screening them from neighbours and not detract from the openness of the countryside. The proposal is therefore acceptable in terms of Policy GP1 and GP8.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 17/03/2023

